IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.6347 OF 2005

Smt.Rekha Jagannath Bhalekar).. Petitioner

Versus

The President, Ratnagiri Education Society, Ratnagiri and others).. Respondents

Ms.Kumud A. Bhatia for the Petitioner.

Mr.J.Deo i/b.Mr.Bukhari for Respondent No.1.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 14TH OCTOBER 2005

P.C.:

. This Petition challenges the order dated 15th July 2005 passed by the 2nd Joint Civil Judge, Junior Division, Ratnagiri in Regular Civil Suit No.118 of 1999. The Petitioner had filed the proceedings being Regular Civil Suit No.118 of 1999 before the Civil Judge, Junior Division, Ratnagiri for redressal of her grievance regarding appointment to the post of Headmistress. The trial Court has held that the Civil Court has no jurisdiction to entertain the Suit in view of the provisions of the Maharashtra Employees of Private Schools Regulation Act, 1977 (hereinafter referred to as "the Act"). However, he has proceeded to decide the Suit on merits. This procedure adopted by the learned Judge

is erroneous. It appears that an Appeal was filed before the District Judge, Ratnagiri, which, the learned Advocate for the Petitioner, states has already been withdrawn.

2. It is trite law that the jurisdiction of the Civil Court is barred under the Act. This view has already been taken by learned Single Judge of this Court in *Satyawadi Ganpatrao Pimple and others* vs. *Aruna Ganpatrao Narwade and another*, **2000 (2) Mh.L.J. 322**. The order of the 2nd Joint Civil Judge, Junior Division, Ratnagiri dated 15th July 2005 passed in Regular Civil Suit No.118 of 1999 is set aside. The Petitioner is at liberty to move appropriate proceedings before the School Tribunal. The School Tribunal will hear the same without being influenced by any of the observations made in the impugned order.

3. Writ Petition disposed of accordingly.